



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

SEP 15 2003



REPLY TO THE ATTENTION OF

Lindsay Light II Site

PROMPT REPLY NECESSARY
CERTIFIED MAIL: RETURN RECEIPT REQUESTED

Re: Request for Information Pursuant to Section 104 of CERCLA
for Lindsay Light II Site in Chicago, Illinois

Dear Sir or Madam:

This letter seeks your cooperation in providing information and documents relating to the Lindsay Light II Superfund Site in Chicago, Illinois (the "Site"). We encourage you to give this matter your immediate attention and that you provide a complete and truthful response to this Information Request and attached questions (Attachment B) within sixty (60) calendar days of your receipt of this letter.

The United States Environmental Protection Agency ("U.S. EPA") is investigating the release or threat of release of hazardous substances, pollutants, or contaminants at the Site. U.S. EPA is seeking to obtain information concerning the generation, storage, treatment, transportation, and methods used to dispose of these substances, and identify activities, materials, and parties that contributed to contamination at the Site. U.S. EPA will study the effects of these substances on the environment and public health. U.S. EPA believes that you might possess information which may assist the Agency in its investigation of the Site.

Under Section 104(e)(2) of CERCLA, 42 U.S.C. § 9604(e)(2), U.S. EPA has broad information gathering authority which allows U.S. EPA to require persons to furnish information or documents relating to:

(A) The identification, nature, and quantity of materials which have been or are generated, treated, stored, or disposed of at a vessel or facility or transported to a vessel or facility.

(B) The nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from a vessel or facility.

(C) Information relating to the ability of a person to pay for or to perform a cleanup.

While U.S. EPA seeks your cooperation in this investigation, compliance with the Information Request is required by law. In addition, providing false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001. The information you provide may be used by U.S. EPA in administrative, civil or criminal proceedings.

Some of the information U.S. EPA is requesting may be considered by you to be confidential. Please be aware that you may not withhold the information upon that basis. If you wish U.S. EPA to treat the information confidentially, you must advise U.S. EPA of that fact by following the procedures outlined in Attachment A, including the requirement for supporting your claim for confidentiality.

If you have information about other parties who may have information which may assist the Agency in its investigation of the Site or may be responsible for the contamination at the Site, that information should be submitted within the time frame noted above.

Section 104 of CERCLA, 42 U.S.C. § 9604, authorizes U.S. EPA to pursue penalties for failure to comply with that section or for failure to respond adequately to requests for submissions of required information.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1995, 44 U.S.C. § 3501 et seq.

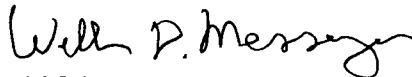
Instructions on how to respond to the questions in Attachment B to this document are described in Attachment A. Your response to this Information Request should be mailed to:

U.S. Environmental Protection Agency
Debbie Regel, Enforcement Specialist
Emergency Enforcement & Support Section, SE-5J
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

If you have additional questions about the history of the Site, the nature of the environmental conditions at the Site, or the status of cleanup activities, please contact Mary Fulghum, Office of Regional Counsel at (312) 886-4683. However, if you have specific questions about the Information Request, please contact Debbie Regel at (312) 353-7632.

We appreciate and look forward to your prompt response to this Information Request.

Sincerely,



William D. Messenger, Chief
Emergency Enforcement and Support Section

Enclosures

cc: Vincent S. Oleskiewicz, Esq. (Counsel for Chicago
Baker & McKenzie Dock & Canal Trust)
One Prudential Plaza
130 East Randolph Drive
Chicago, IL 60601

John T. Smith, Esq. (Counsel for Kerr-McGee)
Covington & Burling
1201 Pennsylvania Avenue N.W.
P.O. Box 7566
Washington, DC 20044-7566

bcc: Mary Fulghum, ORC (C-14J)
Cathy Martwick, ORC (C-14J)
Verneta Simon, OSC (SE-5J)
Fred Micke, OSC (SE-5J)
Larry Jensen (SMF-4J)
John Maritote, EESS (SE-5J)
Debbie Regel, EESS (SE-5J)
Denise Battaglia, Public Affairs, (P-19J)
Records Center (SMR-7J)

LINDSAY LIGHT II SITE, CHICAGO, IL
LIST OF RECIPIENTS OF REQUEST FOR INFORMATION LETTER

Kerr-McGee Chemical LLC
c/o The Corporation Company
Registered Agent
120 North Robinson, Suite 735
Oklahoma City, OK 73102

Chicago Dock & Canal Company
c/o Mr. David A. Grossberg
Registered Agent
6600 Sears Tower
Chicago, IL 60606

Attachment A
Information Request

Instructions

1. Answer Every Question Completely. A separate response must be made to each of the questions set forth in this Information Request. For each question contained in this letter, if information responsive to this Information Request is not in your possession, custody, or control, please identify the person(s) from whom such information may be obtained.
2. Number Each Answer. Precede each answer with the corresponding number of the question and the subpart to which it responds.
3. Provide the Best Information Available. Provide responses to the best of Respondent's ability, even if the information sought was never put down in writing or if the written documents are no longer available. You should seek out responsive information from current and former employees/agents. Submission of cursory responses when other responsive information is available to the Respondent will be considered non-compliance with this Information Request.
4. Identify Sources of Answer. For each question, identify (see Definitions) all the persons and documents that you relied on in producing your answer.
5. Continuing Obligation to Provide/Correct Information. If additional information or documents responsive to this Request become known or available to you after you respond to this Request, U.S. EPA hereby requests pursuant to Section 104(e) of CERCLA that you supplement your response to U.S. EPA.
6. Confidential Information. The information requested herein must be provided even though you may contend that it includes confidential information or trade secrets. You may assert a confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. §§ 9604(e)(7)(E) and (F), and Section 3007(b) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6927(b), and 40 C.F.R. § 2.203(b).

If you make a claim of confidentiality for any of the information you submit to U.S. EPA, you must prove that claim.

For each document or response you claim confidential, you must separately address the following points:

1. the portions of the information alleged to be entitled to confidential treatment;
2. the period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);
3. measures taken by you to guard against the undesired disclosure of the information to others;
4. the extent to which the information has been disclosed to others; and the precautions taken in connection therewith;
5. pertinent confidentiality determinations, if any, by U.S. EPA or other federal agencies, and a copy of any such determinations or reference to them, if available; and
6. whether you assert that disclosure of the information would likely result in substantial harmful effects on your business' competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.

To make a confidentiality claim, please stamp or type "confidential" on all confidential responses and any related confidential documents. Confidential portions of otherwise non-confidential documents should be clearly identified. You should indicate a date, if any, after which the information need no longer be treated as confidential. Please submit your response so that all non-confidential information, including any redacted versions of documents, is in one envelope and all materials for which you desire confidential treatment are in another envelope.

All confidentiality claims are subject to U.S. EPA verification. It is important that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, and that it is not and has not been obtainable by legitimate means without your consent. Information covered by such claim will be disclosed by U.S. EPA only to the extent permitted by Section 104(e) of CERCLA. If no such claim accompanies the information when it is received by U.S. EPA, then it may be made available to the public by U.S. EPA without further notice to you.

7. Disclosure to U.S. EPA Contractor. Information which you submit in response to this Information Request may be disclosed by U.S. EPA to authorized representatives of the United States, pursuant to 40 C.F.R. § 2.310(h), even if you assert that all or part of it is confidential business information. Please be advised that U.S. EPA may disclose all responses to this Information Request to one or more of its private contractors for the purpose of organizing and/or analyzing the information contained in the responses to this Information Request. If you are submitting information which you assert is entitled to treatment as confidential business information, you may comment on this intended disclosure within sixty (60) calendar days of receiving this Information Request.

8. Personal Privacy Information. Personnel and medical files, and similar files, the disclosure of which to the general public may constitute an invasion of privacy, should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."

9. Objections to Questions. If you have objections to some or all the questions within the Information Request letter, you are still required to respond to each of the questions.

10. Relevant Time Period. With the exception of Requests numbered 19. and 20., the time period for these requests is from approximately 1904 to 1936; during which time Lindsay Light operated at its Chicago locations.

Definitions

The following definitions shall apply to the following words as they appear in this Information Request.

1. The term "**arrangement**" means every separate contract or other agreement between two or more persons, whether written or oral.

2. The term "**documents**" includes any written, recorded, computer-generated, or visually or aurally reproduced material of any kind in any medium in your possession, custody, or control, or known by you to exist, including originals, all prior drafts, and all non-identical copies.

3. The term "**hazardous substance**" shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.

4. The term "**radioactive hazardous substance**" shall mean, but not exclusively, radioactive Rare Earths, radioactive Monazite ore/sand, radioactive gas mantles, radioactive thorium and all its associated decay products in the Thorium (Th-232) Decay Series, and radioactive uranium and all its associated decay products in both the Uranium (U-238) Decay Series and the Actinium (U-235) Decay Series. Also, radioactive hazardous substance shall mean any hazardous chemicals associated with these radioactive materials as a result of processing or manufacturing actions, radioactive wastes produced as a result of the extraction of thorium from Monazite ore/sand or from other ores, any unused thorium-containing ore/sand, thorium mill tailings, chemical wastes from the thorium extraction process, and radioactive wastes and/or soil obtained as fill.

5. The term "**identify**" means, with respect to a natural person, to set forth: (a) the person's full name; (b) present or last known business and home addresses and telephone numbers; (c) present or last known employer (include full name and address) with title, position or business.

6. With respect to a corporation, partnership, or other business entity (including a sole proprietorship), the term "**identify**" means to provide its full name, address, and affiliation with the individual and/or company to whom/which this request is addressed.

7. The term "**material**" or "**materials**" shall mean any and all objects, goods, substances, or matter of any kind, including but not limited to Rare Earths, radioactive Monazite ore/sand, any other radioactive ores, and radioactive gas mantles.

8. The term "**person**" shall include any individual, firm, unincorporated association, partnership, corporation, trust, or other entity.

9. The term "**pollutant or contaminant**" shall include, but not be limited to, any element, substance, compound, or mixture, including disease-causing agents, which after release into the environment will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation,

physiological malfunctions (including malfunctions in reproduction) or physical deformations; except that the term "pollutant or contaminant" shall not include petroleum.

10. The term "**real estate**" shall mean and include, but not be limited to the following: land, buildings, a house, dwelling place, condominium, cooperative apartment, office or commercial building, including those located outside the United States.

11. The term "**release**" shall mean any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.

12. The term "**Site**" shall mean the Lindsay Light II Superfund Site located at 316 East Illinois Street; the Lindsay Light Building located at 161 East Grand Avenue; the Lindsay Light operations located at 22 West Hubbard Street, and any other areas of off-site contamination found in the surrounding area which originated from these "Site" locations.

13. The term "**waste**" or "**wastes**" shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, and pollutants or contaminants, whether solid, liquid, or sludge, including but not limited to containers for temporary or permanent holding of such wastes. In particular relative to this Information Request, "waste" or "wastes" shall also include radioactive wastes produced as a result of the extraction of thorium from Monazite ore/sand or from other ores, any unused thorium-containing ore/sand, thorium mill tailings, chemical wastes from the thorium extraction process, and radioactive wastes and/or soil obtained as fill.

14. The term "**you**" or "**Respondent**" shall mean the addressee of this Request for Information letter.

15. The term "**Lindsay Light**" shall mean the Lindsay Light Company (1904-1935), and the Lindsay Light and Chemical Company (1935-1952), both located in Chicago, Illinois. The term "Lindsay Light" shall also mean its thorium manufacturing plant at 316 East Illinois Street, its office building at 161 East Grand Avenue, and its location at 22 West Hubbard Street, all in Chicago, Illinois.

Attachment B
Requests

1. Identify all persons consulted in the preparation of the answers to these Information Requests.
2. Identify all documents consulted, examined, or referred to in the preparation of the answers to these Requests, and provide copies of all such documents.
3. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any Information Request or who may be able to provide additional responsive documents, identify such persons.
4. Identify all persons having knowledge or information about the generation, transportation, treatment, disposal, or other handling of hazardous substances by Lindsay Light.
6. Identify all persons that Lindsay Light had arrangements with to obtain its radioactive Monazite ore/sand.
7. Did Lindsay Light have a contract for the Monazite ore/sand, and if so, with whom?
8. Identify all persons having knowledge or information about the arrangements for and the transportation of Monazite ore/sand to Lindsay Light.
9. How was the Monazite ore/sand transported to Lindsay Light?
10. Describe in detail the delivery, storage, handling, processing, and disposal of Monazite ore/sand at or from Lindsay Light.
11. Do you have any information that Lindsay Light processed or handled other radioactive ores, including the titanium ores ilmenite and rutile?
12. Did any leaks, spills, or releases of hazardous materials occur on the Site when such materials were being:
 - a) Delivered by a vendor;
 - b) Stored (e.g., in any tanks, drums, or barrels);

c) Transported or transferred (e.g., to or from any tanks, drums, barrels, or recovery units); or

d) Treated.

13. Identify all persons having knowledge or information about the arrangements for and the disposal of Lindsay Light's radioactive wastes, including but not limited to Monazite ore/sand and broken or defective gaslight mantles.

14. Was the Chicago Freight Tunnel System ever used for the disposal or transportation of Lindsay Light's radioactive wastes?

15. Identify any past or present solid waste units (e.g., waste piles, landfills, surface impoundments, waste lagoons, waste ponds or pits, tanks, container storage areas, etc.) associated with radioactive wastes from Lindsay Light. For each waste unit, further identify:

a) The dates that the unit was in use;

b) The purpose and past usage (e.g., storage, spill containment, etc.); and

c) The quantity and types of materials located in each unit.

16. Identify the type and number of containers that Lindsay Light's radioactive waste materials or hazardous substances were contained in when they were accepted for transport, and subsequently until they were disposed of.

17. Were Lindsay Light's radioactive waste materials or hazardous substances transshipped through or were stored or held at any intermediate site prior to final treatment or disposal?

18. Where was the final disposition of Lindsay Light's radioactive waste materials or hazardous substances?

19. How and where were building materials and debris from the demolition of the 316 East Illinois Street building taken from the property and disposed of? Please note that there is no limitation on the relevant time period for this question.

20. Aside from any removal work conducted pursuant to a U.S. EPA administrative order, has soil ever been excavated or removed from the Site? (Please note there is no limitation on the relevant time period for this question.) Unless the answer to

the preceding question is anything besides an unequivocal "no," identify:

- a) Amount of soil excavated;
- b) Location of excavation:
- c) Manner and place of disposal and/or storage of excavated soil;
- d) Dates of soil excavation;
- e) Identity of persons who excavated or removed the soil;
- f) Reason for soil excavation;
- g) Whether the excavation or removed soil contained hazardous materials and why the soil contained such materials;
- h) All analyses or tests and results of analyses of the soil that was removed from the Site;
- i) All persons, including contractors, with information about (a) through (h) of this request.